

EXHIBIT G

299 Cherry Hill Road
Suite 300
Parsippany, NJ 07054
Phone: 973-957-2550
Fax: 973-710-1054



Kinney Lisovicz Reilly & Wolff PC
ATTORNEYS AT LAW
www.klrw.law

11 Broadway
Suite 615
New York, NY 10004
Phone: 646-741-7332
Fax: 646-690-8772

Michael S. Chuven, Esq.
michael.chuven@klrw.law
Direct Dial: 973-957-2553

January 23, 2019

Via Electronic Filing

The Honorable Charles D. Wood, J.S.C.
Supreme Court of the State of New York
Westchester County Courthouse
111 Dr. Martin Luther King Jr. Blvd.
White Plains, New York 10601

Re: LAK3, LLC v. Sean Dunn, et al.
Index No. 61510/2017
KLRW File No.: A0047.00614

Dear Judge Wood:

This office represents Third-Party Defendants Michael Piccirillo Architecture PLLC, Michael Piccirillo, and Vladimir Levin in the above-matter. We write on behalf of our clients and with the consent of all active parties seeking clarification regarding the effect of the filing of the Petition for Bankruptcy filed by Defendant/Third-Party Plaintiff, Sean Dunn.

This matter arises out of certain construction work performed at 41 Averil Drive, Mahopac, New York (the "Property") on behalf of Plaintiff, LAK3, LLC (ECF No. 2). LAK3, LLC seeks recovery against Defendants, Sean Dunn, Gerald Dunn, and Well Dunn Maintenance and Contracting based on the Defendants'/Third-Party Plaintiffs' alleged improper conduct. (ECF No. 2). On May 31, 2018, the Defendants/Third-Party Plaintiffs filed a Third-Party Complaint against the Third-Party Defendants seeking recovery for negligence, contribution, indemnification, breach of contract and third-party beneficiary. (ECF No. 49). On September 14, 2018, the Third-Party Defendants filed a Motion to Dismiss the Third-Party Complaint (Motion Seq. No. 5) (ECF No. 92-101). On September 18, 2018, Sean Dunn filed for Chapter 7 bankruptcy protection. By letter dated October 8, 2018 (ECF No. 127), the Court was made aware of this bankruptcy. On December 13, 2018, via E-Courts, the undersigned received a notification that Motion Sequence Number 5 was stayed (Exhibit A), which we understood was due to Sean Dunn's bankruptcy and the fact that a decision on the motion would necessarily have an effect on Sean Dunn who filed for



Hon. Charles D. Wood, J.S.C.
January 23, 2019
Page 2

bankruptcy protection. Yesterday, the undersigned's office contacted the Westchester County Clerk's office and was advised that the Third-Party Action is still active.

Given that there is a Motion to Dismiss the Third-Party Complaint that is stayed, Mr. Dunn's bankruptcy, and the fact that the claims against Sean Dunn in the Third-Party Action are intertwined with the claims made by the other Third-Party Plaintiffs, it is respectfully requested that the Court issue an order clarifying whether the Third-Party Action is stayed or whether it is active. The parties are all in agreement that the Third-Party Action should be stayed, and that Plaintiff can proceed against Gerald Dunn; however, we believe Your Honor's guidance is necessary.

We appreciate Your Honor's attention to this matter.

Respectfully submitted,

KINNEY LISOVICZ REILLY & WOLFF P.C.

/s/ Michael S. Chuven

Michael S. Chuven

MSC:eml
Attachment

cc: Michael R. Gordon, Esq. (via electronic filing)
Michael V. Caruso, Esq. (via electronic filing)